

IN RE: PETITION FOR VARIANCE  
SE/S David Avenue and  
SM/S of Fowler Avenue,  
300' NE of Double Rock Lane  
(8505 David Avenue)  
14th Election District  
6th Councilmanic District  
Parkville Church of Nazarene  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-65-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Parkville Church of Nazarene (formerly the Hallmark Church of Nazarene), by Donald F. Allison, it's Pastor, through their attorney Gerard W. Wittstadt, Esquire. The Petitioner seeks relief from Section 413.1(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 64 sq.ft. total (32 sq.ft. per face) in lieu of the maximum permitted 30 sq.ft., all as more particularly described on Petitioner's Exhibits 1 and 4.

Appearing on behalf of the Petition were Pastor Donald Allison, Lucy Armstrong, Real Estate Appraiser, and Steven K. Broyles, Professional Engineer. Several other individuals appeared in support of the Petition. There were no Protestants present.

Testimony indicated that the subject property, known as 8505 David Avenue, consists of 1.956 acres zoned D.R. 5.5 and is the site of the Parkville Church of Nazarene. The Petitioner is desirous of installing an illuminated identification sign at the entrance to the property. The sign in question is depicted in photographs marked Petitioner's Exhibit 1. The Petitioner also requests permission to illuminate the proposed sign between the hours of 6:00 AM and 10:00 PM daily, after which the sign would be

extinguished. Testimony presented indicated that the entrance to the church property is difficult to locate and is often bypassed by visitors. Testimony revealed that emergency vehicles have also had difficulty finding the church when called to respond to emergency situations. The Petitioner believes that the proposed sign will be beneficial to those visiting the church and eliminate any confusion among motorists. Testimony further revealed that the Petitioner operates a day care center at the site and that approximately 175 to 200 children are dropped off and picked up daily. The Petitioner believes that the proposed sign will also help to guide those parents whose children are enrolled in the day care center.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of October, 1993 that the Petition for Variance requesting relief from Section 413.1(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced sign of 64 sq.ft. total (32 sq.ft. per face) in lieu of the maximum permitted 30 sq.ft., in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The sign granted herein is permitted to be illuminated; however, said illumination is limited to the hours of between 6:00 AM and 10:00 PM daily.

- 3 -

3) When applying for the sign permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING  
Date 10/5/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/5/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/5/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/5/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

October 5, 1993

(410) 887-4386

Gerard W. Wittstadt, Esquire  
31 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SE/S David Avenue and SM/S Fowler Avenue, 300' NE of Double Rock Lane  
(8505 David Avenue)  
14th Election District - 6th Councilmanic District  
Parkville Church of Nazarene - Petitioner  
Case No. 94-65-A

Dear Mr. Wittstadt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

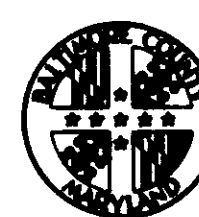
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

cc: Rev. Donald F. Allison  
3101 Willoughby Road, Baltimore, Md. 21234

People's Counsel  
file



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8505 David Avenue, Baltimore, Md. 21234  
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Section 413.1 (b), Signs (B.C.Z.R.) To allow a dual faced sign containing 64 square feet (32 square feet per face) in lieu of the maximum permitted 30 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Sign is needed in the desired site so as to properly notify the direction of ingress and egress to the subject property and to permit individuals to read from Flower Avenue the times of Church services.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Owner

(Type or Print Name)

Signature

Address

City

State

Zip

Phone

Telex

Fax

E-mail

Internet

Other

Comments

Notes

Attachments

Enclosures

Legal Owner(s)

Parkville Church of Nazarene, formerly k/a  
Hallmark Church of Nazarene

(Type or Print Name)

Signature

Address

City

State

Zip

Phone

Telex

Fax

E-mail

Internet

Other

Comments

Notes

Attachments

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Enclosures

TO: JEFFREY W. LANGE, CHIEF  
August 26, 1993 - Jeff Lange

Please forward billing to:

Gerard W. Wittstadt, Esq.  
31 Allegheny Avenue  
Towson, Maryland 21204  
410-825-0808

#### NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-65-A (Item 66)

8505 David Avenue  
SWS Fowler Avenue, 300' +/- NE of Double Rock Lane  
14th Election District - 6th Councilmanic  
Petitioner(s): Parkville Church of Nazarene (f/k/a Hallmark Church of Nazarene)  
HEARING: THURSDAY, SEPTEMBER 23, 1993 at 9:00 a.m. in Room 118 Courthouse.

Variance to allow a dual-faced sign containing 64 square feet (32 square feet per face) in lieu of the maximum permitted 30 square feet.

LAWRENCE S. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

COPY

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

August 18, 1993

#### NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-65-A (Item 66)

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HEARING: THURSDAY, SEPTEMBER 23, 1993 at 9:00 a.m. in Room 118 Courthouse.

Variance to allow a dual-faced sign containing 64 square feet (32 square feet per face) in lieu of the maximum permitted 30 square feet.

Arnold Jablon  
Director

cc: Donald F. Allison/ Parkville Church of Nazarene  
Gerard W. Wittstadt, Esq.

NOTES: (1) ZONING STAFF & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

COPY

(410) 867-3353

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 867-3353

September 14, 1993

Gerard W. Wittstadt, Esquire  
31 Allegheny Avenue  
Towson, Maryland 21204

RE: Case No. 94-65-A, Item No. 66  
Petitioner: Parkville Church of Nazarene  
Petition for Variance

Dear Mr. Wittstadt:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 11, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

#### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: September 1, 1993

SUBJECT: 8505 David Avenue

#### INFORMATION:

Item Number: 66

Petitioner: Parkville Church of Nazarene

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date: / /

#### SUMMARY OF RECOMMENDATIONS:

Based upon a conversation with the applicant's attorney, Gerard William Wittstadt, staff has learned that the church has already purchased the subject sign. A picture of the sign which has been provided as a part of this request, reveals a sign style frequently used by places of worship. The size and design of the sign is not objectionable, however, due to the zoning of the property and the proximity of existing residences, staff recommends that the sign not be illuminated.

Prepared by: Jeffrey M. Long

Division Chief: Cheryl Kerns

PK/JL:lw

#### BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: August 19, 1993

FROM: Captain Jerry Pfeifer

SUBJECT: August 30, 1993 Meeting

#417 Building shall comply with the 1991 Life Safety Code.

R-87-39 Buildings shall comply with the 1991 Life Safety Code.

#58 Townhouses, for which the initial building permits are applied for after 07/01/92, are required by State law to be sprinklered.

A standard cul-de-sac shall be provided at the end of the road. A 35' inside turning radius shall be maintained.

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#64 Building shall comply with the 1991 Life Safety Code.

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RECEIVED  
AUG 19 1993  
ZADM

RE: PETITION FOR VARIANCE, SWS Fowler Ave., 300' +/- NE of Double Rock Lane (8505 David Ave.), 14th Election District, 6th Councilmanic District : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY : Case No. 94-65-A  
PARKVILLE CHURCH OF NAZARENE : :  
(f/k/a Hallmark Church of Nazarene), Petitioner : : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the panning of any preliminary or final Order.

Peter Max Zimmermann  
People's Counsel for Baltimore County

Cornie S. Drullin  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 867-2188

I HEREBY CERTIFY that on this 30th day of September, 1993, a copy of the foregoing Entry of Appearance was mailed to Gerard W. Wittstadt, Esquire, 31 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmermann  
Peter Max Zimmermann

RECEIVED  
SEP 2 1993  
ZADM



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 166 (JTS)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

#### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: September 1, 1993

SUBJECT: 8505 David Avenue

#### INFORMATION:

Item Number: 66

Petitioner: Parkville Church of Nazarene

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date: / /

#### SUMMARY OF RECOMMENDATIONS:

Based upon a conversation with the applicant's attorney, Gerard William Wittstadt, staff has learned that the church has already purchased the subject sign. A picture of the sign which has been provided as a part of this request, reveals a sign style frequently used by places of worship. The size and design of the sign is not objectionable, however, due to the zoning of the property and the proximity of existing residences, staff recommends that the sign not be illuminated.

Prepared by: Jeffrey M. Long

Division Chief: Cheryl Kerns

PK/JL:lw

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Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: September 1, 1993

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#### INFORMATION:

Item Number: 66

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Requested Action:

Hearing Date: / /

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Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: September 1, 1993

SUBJECT: 8505 David Avenue

#### INFORMATION:

Item Number: 66

Petitioner: Parkville Church of Nazarene

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date: / /

#### SUMMARY OF RECOMMENDATIONS:

Based upon a conversation with the applicant's attorney, Gerard William Wittstadt



PLEASE PRINT CLEARLY

**PETITIONER(S) SIGN-IN SHEET**

<u>NAME</u>	<u>ADDRESS</u>
Clifford Brees	2112 ORRISON RD BAYT 21234
Luella Armstrong	1030 YORK RD. TAYSON, MD 21204
Crystal Kline	31032 Willoughby Rd. B.Lt. MD 21034
David Allison	3101 Willoughby Rd. Balt. Md 21284
Phyllis Ahlstrom	7933 Rolling View Ave 21236
Donna Rife	107 S. DABLOK CRSE - 21205
Tom Umber	8512 Fourbush Ave 21234
Steven K. Boyle & P.C.	8972 ITCUNTER RD 21005
Don Allison	3101 Willoughby Rd. Baltimore, Md 21034



## Double R

Mr. Thomas Umbel  
C/O Parkville Church of the Nazarene  
8510 Fowler Ave.  
Parkville, Md. 21234

September 21, 1993

Dear Tom:

I would like to take this opportunity to thank you for your informative presentation at our Board of Directors meeting of the Double Rock Homeowners Association, concerning the upcoming zoning hearing in reference to your sign application. The Board of Directors of the Double Rock Homeowners Association feel very comfortable that your organization will cooperate with us as to any manageable solutions once the sign application is heard and are willing to work with you to resolve any future problems that may occur. However, we do want to express concerns about the commercial design of the sign, how it would effect the overall appearance of the neighborhood and how much would be received by the 167 homeowners that we represent.

At this time it is the feeling of the Board of Directors of the Double Rock Homeowners Association that due to the lack of time to properly poll our homeowners, that we cannot totally support your petition for your sign, however we are willing to work together with you and your organization in the attempt to correct any problems that may come before us.

Sincerely yours,

  
Gregory C. Leverton  
Association President

cc: Mr. Irwin Cohen  
C/O David O. Feldmann  
Managing Agent for  
the Double Rock Homeowners Association

**PETITIONER'S  
EXHIBIT 2**

PARKVILLE CHURCH OF THE NAZARENE  
8505 DAVID AVE., BALTIMORE COUNTY MD. 21234  
SIGN TO BE LOCATED NEXT TO DRIVEWAY ENTRANCE  
FROM FOWLER AVE.

**PARKVILLE CHURCH**  
**ST. JOSEPH'S**  
 1000 WOOD AVENUE  
 BALTIMORE COUNTY, MD. 21236  
 PHONE 484-2298  
 C.C.  
 ELECTION DISTRICT #1A

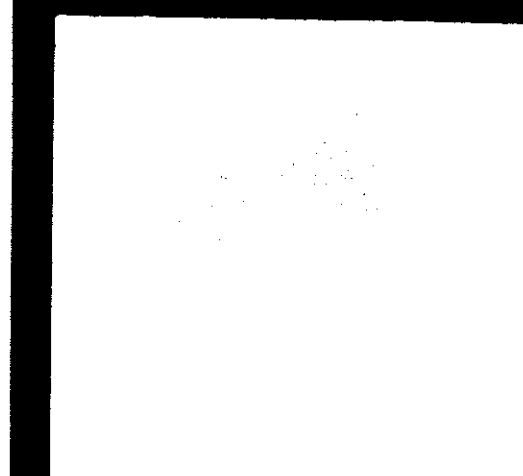

**PETITIONER'S EXHIBIT**

ZONING: Site DR 5.5  
Adjoining DR 5.5  
Lot size: 542.58 ft. x 299.13 ft. x irreg.  
Sign setback: 19 ft. from driveway, and  
5 feet from sidewalk  
Election District: 14  
Council District: 6

Prior hearing: none  
Distance to closest intersection:  
1. e. Fowler Avenue and Double Rock  
Road: Approximately 300 ft.  
Scale App. 1 in. to 100 ft.  
1.956 ACFT

94-65-A

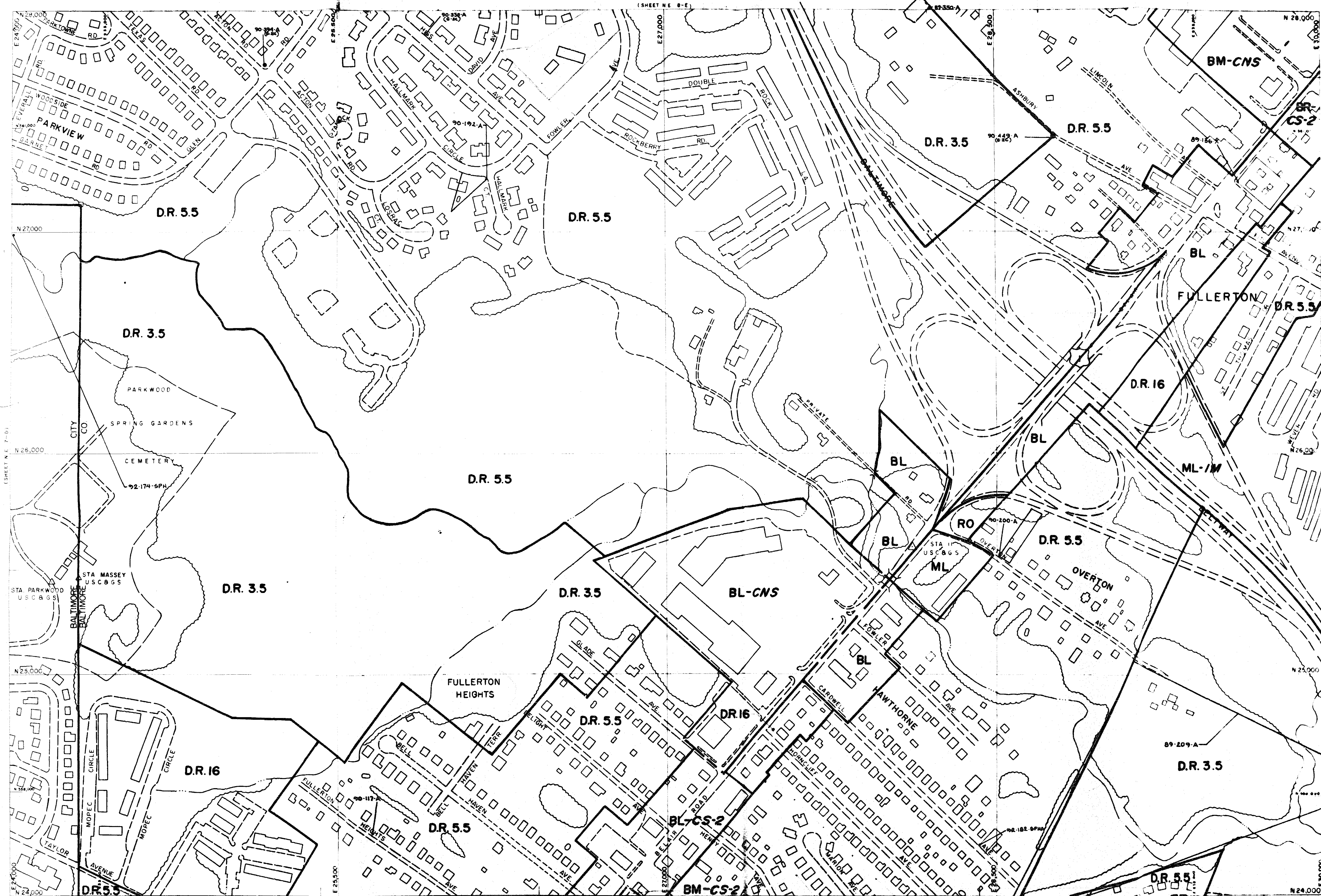
Petitioner  
 Exhibit 3A  
 3/1  
 Case 94-65



659 2nd

Winter 1 snow 4 x 8'





N - SE      M - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

~~1988 COMPREHENSIVE ZONING MAP~~  
~~Adopted by the Baltimore County Council~~  
~~Oct. 13, 1988~~  
~~Bill Nos. 144-SS, 146-SS, 148-SS, 147-SS, 149-SS, 145-SS, 180-SS~~  
~~*Dale T. [Signature]*~~  
~~Chairman, County Council~~

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

**1992 COMPREHENSIVE ZONING MAP**  
**Adopted by the Baltimore County Council**  
**Oct. 15, 1992**

William A. Howard  
Chairman, County Council

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPH  
JANUARY  
1986

LOCATION  
FULLERTON  
OVERLEA

SHEET  
N. E.  
7-E